REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1-19 are currently pending. Claims 1, 9-12, and 17-19 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1, 5, 8-12, and 16-19 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,378,887 to Kobayashi (hereinafter "the '887 patent"); Claims 2, 3, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '887 patent in view of U.S. Patent Application Publication No. 2002/0188852 to Masaki et al. (hereinafter "the '852 application"); and Claims 6, 7, 13, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '887 patent in view of U.S. Patent No. 6,351,845 to Hinker et al. (hereinafter "the '845 patent").

Applicants with to thank the Examiner for the interview granted Applicant's representative on December 13, 2006, at which time a proposed amendment to the claims was discussed. At the conclusion of the interview, the Examiner agreed that the proposed amendment would overcome the outstanding rejection of the claims.

Amended Claim 1 is directed to an information processing apparatus including an information recording medium, comprising: (1) communicating means for communicating data with the information recording medium, the information recording medium including a memory, a control unit, and an antenna; (2) detecting means for detecting any access to the information recording medium; (3) determining means for determining whether a result of detection by the detecting means indicates internal access by the communicating means or external access from an external apparatus external to the information processing apparatus; and (4) access controlling means for controlling the external access from the external

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apparatus when the determining means determines that the result of detection by the detecting means indicates the external access from the external apparatus. Claim 1 has been amended for the purpose of clarification only and no new matter has been added.[1]

The '887 patent is directed to a non-contact type IC card that communicates signals with an external device in a non-contact manner, including a main circuit that conducts various operations based on functions of the IC card, means for creating an operation inhibit signal to inhibit operation of the main circuit for a predetermined period of time, and control means for controlling the main circuit and the operation inhibition signal generating means. Further, the '887 patent discloses that the main circuit is inhibited for a predetermined period of time after the operation of the main circuit is completed to prevent a double write operation of history in the IC card due to re-access in a short period of time. As shown in Figure 5, the '887 patent discloses a memory 32 having two memory areas 321 and 322, a memory control section 36, a read area deciding section 34, and a modulating and de-modulating section 38. The '887 patent discloses that the read area deciding section 34 determines from which one of the two areas 321 and 322 of the memory data is to be read.[2] Further, the '887 patent discloses that the memory control section 36 controls writing to and reading from the memory 32, wherein the memory control section writes to or reads from either area 321 or area 322 based on information provided by the read area deciding section 34.

However, Applicant respectfully submits that the '887 patent fails to disclose the detecting means for <u>detecting any access to the information recording medium</u> and the determining means for determining whether a result of detection by the detecting means indicates <u>internal access by the communication means or external access from an external apparatus external to the information processing apparatus</u>, as recited in amended Claim 1. In

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[1] See, e.g., Figures 2 and 4 and the discussion related thereto in the specification.
[2] '887 patent, column 7, lines 62-65.

this regard, Applicant notes Claim 1 has been amended to clarify that the information

recording medium includes a memory, a control unit, and an antenna.

Applicant respectfully submits that the read area deciding section 34 disclosed by the

'887 patent does not access the memory 32 and does not send a request to access the memory

32. Rather, the read area deciding section 34 merely indicates to the memory control section

36 which area 321 or 322 in which to read to or write from. The read area deciding section

34 is unable to detect any access to the information recording medium, as required by Claim

1. Further, the read area deciding section 34 disclosed by the '887 patent is unable to

determine whether the result of the detection by the detecting means indicates internal access

by the communicating means or external access from an external apparatus that is external to

the information processing apparatus, as required by Claim 1. As shown in Figure 5 of the

'887 patent, the read area deciding section only receives information from the memory 32.

Even if receiving information from a memory is construed to mean detecting access to the

information recording medium, it cannot, under any reasonable interpretation, be construed to

read on determining means for determining whether result of detecting by the detection

means indicates external access by a communication means or external access from an

external apparatus external to the information processing apparatus, as required by Claim 1.

Applicant respectfully submits that the read area deciding section 34 has no way of knowing

whether the IC card is being accessed by an external apparatus external to the information

processing apparatus or whether it is being accessed by the communication means. Rather,

the read area deciding section, at most, is aware that it has read data from the memory 32.

But by merely reading data from a memory, the read area deciding section does not detect

any access to the information recording medium. It only "detects" that it has read data from

the memory. Other access to the information recording medium is not detected, and cannot

be detected, by the read area deciding section 34.

For the reasons stated above, applicant respectfully submits that the rejection of Claim 1 (and all similarly rejected dependent claims) is rendered moot by the present amendment to that claim.

Independent Claims 9-12 and 17-19 recite limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicant respectfully submits that the rejections of Claims 9-12 and 17-19 (and all similarly rejected dependent claims) are rendered moot by the present amendment to the independent claims.
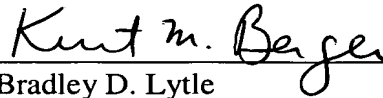
Regarding the rejection of dependent Claims 2, 3, 6, 7, and 13-15, Applicant respectfully submits that the '852 application and the '845 patent fail to remedy the deficiencies of the '887 patent, as discussed above. Accordingly, Applicant respectfully submits that rejection of dependent Claims 2, 3, 6, 7, and 13-15 are rendered moot by the present amendment to the independent claims.

Thus, it is respectfully submitted that independent Claims 1, 9-12, and 17-19 (and all associated dependent claims) patentably define over any proper combination of the '887 patent, the '852 application, and the '845 patent.

Consequently, in view of the present amendment and in light of the above discussion,

the outstanding grounds for rejection are believed to have been overcome. The application as

amended herewith is believed to be in condition for formal allowance. An early and

favorable action to that effect is respectfully requested.

Respectfully submitted,

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